

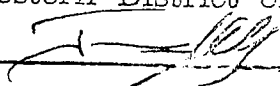
Magistrate Judge Benton

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARIF MAHMOOD,

Defendant.

MAGISTRATE'S DOCKET NO.
CASE NO. 03-445M

COMPLAINT for VIOLATION
8 U.S.C. § 1325(a)(1) and (a)(2)
(Illegal Entry – Misdemeanor)

BEFORE, Monica J. Benton, United States Magistrate Judge, Seattle, Washington.

The undersigned complainant, being duly sworn, alleges:

COUNT 1

On or about August 9, 2003, at Seattle, within the Western District of Washington, ARIF MAHMOOD, an alien, a native and citizen of Pakistan, was found in the United States after having knowingly and unlawfully entered the United States at a time and place other than as designated by immigration officers, and after having knowingly and unlawfully eluded examination and inspection by immigration officers.

All in violation of Title 8, United States Code, Sections 1325(a)(1) and (a)(2).

The Complainant further states that this Complaint is based on the following information:

I. INTRODUCTION

1. I, Darrick D. Smalley, am a Senior Special Agent (SA) with the Bureau of Immigration and Customs Enforcement (BICE)(formerly the Immigration and Naturalization Service), and have been so employed since June of 1988. I have been in continuous employ as a Special Agent excepting a two-year period where I was assigned as the Immigration Attache at the American Embassy, Moscow, Russia. Since August 2001, I also have been assigned to the Joint Terrorism Task Force (JTTF) in Seattle, Washington. I conduct administrative and criminal investigations involving aliens, which are persons who are neither citizens nor nationals of the United States, and United States citizens who are engaged in criminal activity with aliens. I have conducted numerous investigations involving aliens who have obtained legal status in the United States through fraudulent means, as well as of aliens who have illegally entered the United States through smuggling or otherwise.

2. The facts set forth herein are based on interviews and investigation conducted by myself, other BICE agents, FBI agents, and Port of Seattle Police officers. What follows is a summary of the information gathered by law enforcement agents through witness interviews and follow-up investigation:

II. CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

3. On August 9, 2003, between approximately 8:00 p.m. and 8:30 p.m., ARIF MAHMOOD approached the American Airlines ticket counter at Seattle-Tacoma International Airport. MAHMOOD purchased with cash a one-way ticket to New York City, departing at 10:15 p.m. During the process of issuing MAHMOOD's boarding pass, the American Airlines ticket counter employee discovered that MAHMOOD's name was listed on the Transportation and Safety Administration (TSA) "no-fly list." The American Airlines employee contacted the Port of Seattle Police Department, and alerted them to the situation. MAHMOOD was detained by Port of Seattle Police officers for further questioning.

1 4. BICE Special Agent Brett Copher interviewed MAHMOOD at the airport
2 holding area, in an effort to determine MAHMOOD's citizenship and whether he had any
3 legal status in the United States. MAHMOOD admitted to Special Agent Copher that he
4 was a citizen of Pakistan, and a Canadian resident. MAHMOOD further stated that he
5 was smuggled across the United States-Canadian border the night of August 7, 2003, at a
6 location near Blaine, Washington. Agent Copher reviewed MAHMOOD's passport and
7 determined that there was no admission stamp authorizing his entry into the United States,
8 and that MAHMOOD did not have the required visa authorizing his entry. MAHMOOD
9 was thereafter detained on administrative immigration charges, and was transported to the
10 Seattle BICE Detention Facility.

11 5. On August 12, 2003, and again on August 14, 2003, I interviewed
12 MAHMOOD concerning his entry into the United States. The interviews were conducted
13 at the BICE Detention Facility. MAHMOOD informed me that he was a citizen of
14 Pakistan. MAHMOOD stated that he first entered Canada in 1998, flying from Pakistan
15 to Calgary, Alberta. MAHMOOD applied for and received asylum from Canadian
16 immigration officials, and currently has landed immigrant status in Canada (similar to
17 permanent resident status in the United States). MAHMOOD stated that during
18 approximately 2001, he traveled to New York City, where he obtained a New York City
19 taxi license using fraudulent identification documents. MAHMOOD thereafter worked as
20 a taxi cab driver in New York during 2001. Based on my training and experience, I am
21 aware that it was illegal for MAHMOOD to be employed in the United States without
22 obtaining proper work authorization from United States immigration officers.

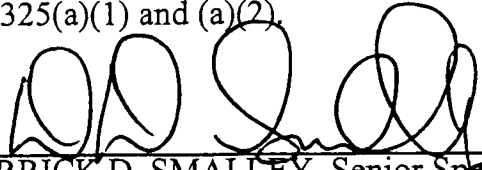
23 6. MAHMOOD stated that he returned to Calgary on September 9, 2001,
24 where he has remained until recently. According to MAHMOOD, on July 24, 2002, he
25 attempted to enter the United States at the border checkpoint at Rainbow Bridge, New
26 York (near Niagra Falls). MAHMOOD was denied entry by United States immigration
27 officers because he did not possess the required visa. MAHMOOD stated that more
28 recently he wanted to return to New York City to renew his taxi license, which had

1 expired. In or about August 2003, MAHMOOD arranged through contacts in Calgary to
2 be smuggled into the United States across the border near Blaine, Washington. On or
3 about August 7, 2003, MAHMOOD was led across the border on foot, near Blaine,
4 without undergoing inspection by a designated United States immigration officer.
5 Ultimately MAHMOOD attempted to fly from Seattle to New York City on August 9,
6 2003, where he was detained as set forth above.

7 7. MAHMOOD admitted to me during interviews that he avoided inspection
8 by immigration officers because he did not possess the required visa and other
9 immigration documents. I have reviewed MAHMOOD's passport and the other
10 documents found in his possession on August 9, 2003, and have confirmed that
11 MAHMOOD did not possess the required visa or entry stamps authorizing his entry into
12 the United States.

13 III. CONCLUSION

14 8. Based on the foregoing, there exists probable cause to believe that the
15 defendant, ARIF MAHMOOD, knowingly and unlawfully entered the United States at a
16 time and place other than as designated by immigration officers, and by eluding
17 examination and inspection by immigration officers at the time of entry, in violation of
18 Title 8, United States Code, Sections 1325(a)(1) and (a)(2).

19
20 
21 DARRICK D. SMALLEY, Senior Special Agent
Bureau of Immigration and Customs Enforcement

22
23 SIGNED AND SWORN to before me this 20 day of August,
24 2003, by Darrick D. Smalley.

25 
26 MONICA J. BENTON
United States Magistrate Judge
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